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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,919	01/31/2001	Kazutaka Kochi	122.1435	9988

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,919

Applicant(s)

KOCHI ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/9/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: there are numerous grammatical errors throughout the specification and claimed language. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said units." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication Application No. 2004/0095237 submitted by Chen et al. (hereinafter referred to as Chen).

Regarding claim 8, Chen teaches a terminal equipment adapted to be connected to an administrative unit comprising:

memory for storing data associated with said terminal equipment [0054];

display means for displaying a terminal processing rotation message from said administrative unit [0137];

input means for operating said terminal equipment in accordance with a direction of said message so displayed [0187]; and

control means for executing a backup process of said data stored in said memory on said administrative unit by performing a rotation operation in accordance with a direction of said message [0187].

Regarding claim 9, Chen teaches a terminal equipment as set forth in claim 8, wherein after having executed said backup process of said data stored in said memory on said administrative unit, said control means downloads data associated with another terminal equipment which is backed up in said administrative unit on said memory [0187].

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Regarding claim 10, Chen teaches a terminal equipment as set forth in claim 8, wherein said control means sends a reply message indicating that said terminal equipment is in operation when said control means receives an operation confirming message [0057].

Regarding claim 16, Chen teaches a computer readable recording medium having recorded therein a program for rendering a computer connected to an administrative unit to execute:

receiving a rotation message from said administrative unit [0187]; and

performing a backup process of data stored in said computer onto said administrative unit through rotating operation in accordance with a direction of said message [0187].

Regarding claim 17, Chen teaches a computer readable recording medium as set forth in claim 16, having recorded therein further a program for rendering said computer to execute: downloading another data stored in said computer from said administrative unit for storage [0187].

Allowable Subject Matter

Claims 1-7 and 11-15 are allowed.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Regarding independent claims 1, 4, 7, 11, 12 and 14, the prior art of record does not teach, in combination with the other limitation in the claims, means for determining rotation

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candidates among the plurality of terminal equipments with a view to equalize the accumulated operating times of said respective terminal equipments, and directing said rotation candidate terminal equipments to perform a backup process of said stored data.

The claims not mentioned are dependent claims, which depend on allowed dependent claims, therefore are also allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US 6460055 B1 issued to Midgley, Christopher et al.
2. US 6438563 B1 issued to Kawagoe, Teruyuki
3. US 20040073675 A1 submitted by Honma, Shigeo et al.
4. US 5774660 A issued to Brendel, Juergen et al.
5. US 6105053 A issued to Kimmel, Jeffrey S. et al.
6. US 6523130 B1 issued to Hickman, Robert Chris et al.
7. US 6725253 B1 Okano, Tetsuya et al.
8. US 6223205 B1 issued to Harchol-Balter, Mor et al.
9. US 4190821 A issued to Woodward, Thomas R.
10. US 6505216 B1 issued to Schutzman, Neil F. et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID WILEY
SUPERVISORY PATENT EXAMINER
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